



OLYMPIC GOLD MEDALISTS 1988 | 2000  
WORLD CUP GOLD MEDALISTS 1973 | 1974 | 2007 | 2009  
WORLD BASEBALL CLASSIC CHAMPIONS 2017

March 21, 2018

Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20510

Honorable Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20510

Honorable Gregg Harper  
Chairman  
Subcommittee on Oversight  
and Investigations  
United States House of Representatives  
Washington, DC 20510

Honorable Diana DeGette  
Ranking Member  
Subcommittee on Oversight  
and Investigations  
United States House of Representatives  
Washington, DC 20510

Honorable Robert E. Latta  
Chairman  
Subcommittee on Digital Commerce  
and Consumer Protection  
United States House of Representatives  
Washington, DC 20510

Honorable Janice Schakowsky  
Ranking Member  
Subcommittee on Digital Commerce  
and Consumer Protection  
United States House of Representatives  
Washington, DC 20510

Dear Representatives Walden, Pallone, Harper, DeGette, Latta, and Schakowsky:

Thank you for your letter of March 9, 2018 concerning your House Committee work involving the investigation of matters concerning sexual abuse in the U.S. Olympic Movement and organized sports. USA Baseball takes the protection of athletes and youth in sport very seriously, and we are pleased to work with your House Committee to aid in its investigation and improve measures to protect all athletes from abuses of any kind and improve athlete safety.

As an initial matter, please allow us to provide some background on USA Baseball and its membership structure, to further provide context for our response to the important issues raised in your March 9, 2018 letter.

USA Baseball is comprised of seventeen (17) National Member Organizations (“NMOs”). These NMOs (most of whom predate USA Baseball’s establishment in 1978 under the Ted Stevens Act) comprise organizations engaged in youth baseball (organizations such as Little League Baseball and Dixie Youth Baseball) as well as organizations such as the NCAA and the National Federation of State High School Associations (“NFHS”). See here for a full listing of USA Baseball’s NMO’s: <https://www.usabaseball.com/about/national-member-organizations>.



Member, U.S. Olympic Committee

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USA Baseball does not have individual members of any kind – whether youth, athlete, coach, volunteer or otherwise. Accordingly, USA Baseball does not have direct contact, reach or jurisdiction over the millions of athletes, coaches, volunteers and others engaged nationwide in youth baseball. Furthermore, USA Baseball does not have jurisdiction over, nor does it sanction, oversee, operate, authorize, accredit, license, approve or otherwise control the activities of the members, leagues, entities and individuals affiliated with USA Baseball's NMOs.

USA Baseball fields a variety of national teams at the youth level and beyond, and has direct contact, reach and jurisdiction over these athletes, coaches and others that participate on USA Baseball's national team events and in USA Baseball's development programs. These USA Baseball sanctioned events, and USA Baseball's exposure to the athletes and other affiliates involved with these events, are generally limited to a matter of days or at most, weeks. Finally, USA Baseball also hosts open invitational pay-to-play tournaments to help identify potential national team candidates.

Given its structure, in any given year the total number of covered athletes to which USA Baseball may have exposure or oversight is a relatively limited number. For example, in the years 2015, 2016 and 2017, USA Baseball engaged with approximately two hundred (200) athletes per year on its national teams and athlete development programs. Of these 200 athletes, many are collegiate athletes and, in certain years, some are professional players, leaving only approximately one hundred to one hundred and fifty (100 - 150) youth athletes per year under the age of 18 with whom USA Baseball has direct contact.

Due to its membership structure, USA Baseball's ability to suspend, ban or otherwise take disciplinary action relating to further participation in the sport of baseball is limited to a ban, suspension or disciplinary action relative only to participation in USA Baseball events and activities. USA Baseball does not have jurisdiction over its NMO members to require that any NMO members or the members of any NMO member, ban, suspend or take disciplinary action against any individual associated or affiliated with that NMO or a member of that NMO. In those cases, USA Baseball can only publish its intended action against an individual affiliated or associated with USA Baseball directly, and further recommend to its NMOs that it consider similar measures. We provide this information to give you further context as to USA Baseball's specific responses to each of your questions below.

With respect to the specific questions and issues raised in your March 9, 2018 letter, USA Baseball respectfully responds as follows:

1. Copies of all policies and procedures produced or used by your NGB from 2005 to present regarding abuse prevention policies, including how to handle reports, complaints, or allegations of sexual abuse, including all documents or communications to or from your NGB, including with the USOC, regarding changes to those policies and procedures. Please specify if a policy or procedure is required or recommended.





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**Response:**

*In response to Question No. 1, USA Baseball responds that in addition to its compliance with the U.S. Center for SafeSport and the associated education and reporting obligations thereunder, USA Baseball's Athlete Safety Policy (attached here as Exhibit A) is to immediately report to law enforcement in the appropriate jurisdiction, any allegations of criminal misconduct that USA Baseball becomes aware of or that are brought to USA Baseball's attention through any means. Prior to institution of SafeSport, USA Baseball maintained a variety of policies which included Codes of Conduct for athletes, coaches and others, and maintained various policies prohibiting sexual abuse or harassment. Attached at Bates Stamp Nos. USABASEBALL-00001 – USABASEBALL-00097 are copies of USA Baseball policies and procedures responsive to this Request and provided with this Response. USA Baseball requires compliance with these policies for all athletes, coaches and affiliates (as defined in the March 9<sup>th</sup> letter) engaged by USA Baseball. USA Baseball recommends adoption of these policies or similar policies to the broader baseball community at large.*

2. Copies of all training, education, or other informational materials provided to athletes or anyone involved in your NGB including coaches, trainers, athletic officials, medical professionals, USOC staff, NGB staff, members of the NGB or USOC boards, volunteers, or athletes' parents (hereinafter "affiliates" ) regarding how to report and handle complaints of sexual abuse.

**Response:**

*In response to Question No. 2, USA Baseball responds that it has maintained a variety of educational and training materials that it has provided to affiliates regarding how to report and handle complaints of sexual abuse. Attached at Bates Stamp Nos. USABASEBALL-00098 – USABASEBALL-00352 are copies of USA Baseball educational and training materials responsive to this Request and provided with this Response.*

3. All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for SafeSport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.

**Response:**

*In response to Question No. 3, USA Baseball responds that attached at Bates Stamp Nos. USABASEBALL-00353 USABASEBALL-00496A are copies of all documents and communications regarding policies and procedures provided to USA Baseball by the U.S. Center for SafeSport regarding how to handle reports, complaints or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.*





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4. Has the USOC required or recommended that your NGB adopt changes to your bylaws, policies, procedures, or other governing documents from 2005 to present. If so, please describe any changes so required or recommended.

**Response:**

*In response to Question No. 4, USA Baseball responds that in 2017 the USOC recommended that USA Baseball make various changes to its Bylaws and governance documents. These changes were requested by the USOC due to USA Baseball's status of moving from a Pan American-only sport to reinstatement in the Olympic Programme for Tokyo 2020. The changes requested by the USOC addressed a variety of topics including adding language to reference SafeSport and the SafeSport Center, adding language to correspond with certain language in the USOC Bylaws, adding or amending certain provisions regarding the election and service of athlete representatives on the board and on certain committees under the USOC's AAC (Athletes' Advisory Council) and clarification of USA Baseball's dispute resolution procedures. With respect to references to SafeSport and the SafeSport Center, USA Baseball adopted verbatim the language requested by the USOC.*

- a. Please provide all documents and communications related to any changes required or recommended by the USOC referring or relating to sexual abuse.

*In response to Question No. 4 a., USA Baseball responds that attached at Bates Stamp Nos. USABASEBALL-00497 – USABASEBALL-00769 are copies of all documents and communications regarding changes required or recommended by the USOC to USA Baseball's Bylaws.*

5. Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints, and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.

**Response:**

*In response to Question No. 5, USA Baseball responds that to the best of its knowledge, there are no reports, complaints or allegations of sexual abuse made to USA Baseball or received by USA Baseball concerning sexual abuse in baseball since 2005 or earlier. As a participant in the SafeSport Center, USA Baseball does have limited access to the SafeSport Center adjudication log, as well as to the public list of banned persons maintained by the SafeSport Center.*





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6. Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "list" or "lists")?

**Response:**

*In response to Question No. 6, USA Baseball responds that it intends to maintain a list of any individuals banned or suspended from participation with USA Baseball; however, at present, there are no individuals that USA Baseball has banned from USA Baseball. USA Baseball does regularly monitor the SafeSport Center publicly available list of banned individuals, as well as the SafeSport private adjudication log. If an individual is listed on either of the SafeSport lists, USA Baseball will not hire or otherwise engage with any individuals that have been banned in other sports as a result of any findings of the SafeSport Center. USA Baseball also will not hire or otherwise engage with any individuals whose name appears on the private SafeSport adjudication log listing.*

- a. Please describe any lists that your NGB maintains and when you began maintaining any such lists.

**Response:**

*See Response to Question 6. USA Baseball does not have any lists presently as there are no individuals that USA Baseball has banned from participation in USA Baseball activities or events.*

- b. Please describe the circumstances that would result in a name being added to any such list.

**Response:**

*USA Baseball will maintain a list on its website listing any individuals it may ban, whether permanently, temporarily, or on an interim basis, from participation in USA Baseball activities as a result of a finding by the SafeSport Center, or USA Baseball's own dispute resolution procedures, or by USA Baseball's own actions upon learning of any actions involving any individual involved with baseball who has been convicted of a felony crime, a crime involving minors, or a crime of a sexual nature.*

- c. Are the lists publicly available? If so, when did your NGB make them publicly available? If the list or lists are not made publicly available, please explain why not.





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**Response:**

*N/A. USA Baseball does not currently maintain a list since there are no individuals who USA Baseball has banned. However, if USA Baseball bans any individuals from participating in any USA Baseball activities, it will publish this list on its website.*

- d. How often is such a list or lists updated?

**Response:**

*If/when USA Baseball determines that an individual is banned from participation in USA Baseball activities or events, USA Baseball will publish those names on its website and update the listing in real time and as a ban is put into place.*

- e. How many people are on each of the lists because of a matter related to sexual abuse?

**Response:**

*N/A. There are currently no persons banned by USA Baseball.*

7. Does your NGB keep records regarding non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with your NGB based on disciplinary actions outside of your NGB's jurisdiction?

**Response:**

*In response to Question No. 7, USA Baseball responds, yes. USA Baseball monitors the SafeSport Center's publicly available list of individuals banned by other sports, monitors the private SafeSport adjudication log list, and will act on any information that is reported to it through its NMOs or otherwise. USA Baseball will not authorize engagement in USA Baseball activities or events by individuals who are on either of the lists maintained by SafeSport, or by individuals who are banned after adjudication by USA Baseball's NMOs, and reported to USA Baseball. USA Baseball's NMOs and individuals engaged by USA Baseball's NMOs currently are not subject to the jurisdiction of SafeSport Center.*

- a. If so, how many individuals have been determined to be ineligible for membership with your NGB?





**Response:**

*In response to Question No. 7 a., technically the answer is none since USA Baseball does not have any individual members which it can make “ineligible for membership.” USA Baseball further responds that the number of individuals on the SafeSport Center public list and adjudication log changes on a daily basis so the number of ineligible individuals for participation in USA Baseball activities or events changes on a daily basis.*

8. What has the policy of your NGB been to inform the USOC of reports, complaints, or allegations of sexual abuse from 2005 to present?

**Response:**

*In response to Question No. 8, USA Baseball responds that to the best of its knowledge, no reports, complaints or allegations of sexual abuse involving individuals or affiliates involved with USA Baseball have come to its attention so it has made no corresponding reports to the USOC. However, USA Baseball’s policy is to report any allegations of sexual abuse to law enforcement officials in the appropriate jurisdiction, within 24 hours of USA Baseball learning of such allegations, and to also refer such matters to the SafeSport Center for further adjudication.*

9. Has the USOC ever relayed to your NGB a report, complaint, or allegation of sexual abuse involving athletes or affiliates of your NGB?

**Response:**

*In response to Question No. 9, USA Baseball responds that no, the USOC has never relayed a complaint or allegation of sexual abuse involving athletes or affiliates of USA Baseball.*

10. Does your NGB take interim measures, such as suspension, to prevent an individual from having contact with NGB athletes during the pendency of an investigation into that individual's conduct by law enforcement, the U.S. Center for Safe Sport, your NGB, or others? Please explain why or why not.

**Response:**

*In response to Question No. 10, USA Baseball responds that yes, USA Baseball will issue an interim suspension to prevent an individual from having contact with USA Baseball athletes during the pendency of any investigation into that individual’s conduct by law enforcement, the SafeSport Center or USA Baseball. If any USA Baseball athletes, NMO Members, affiliates or third parties bring to USA Baseball’s attention a possible sexual abuse claim of any individual involved with USA Baseball, USA Baseball would likewise immediately issue an interim suspension, suspending that individual from participating in any USA Baseball activities or events.*



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- a. Has this practice changed over time? If so, please explain.

**Response:**

*In response to Question No. 10 a., USA Baseball responds that while it has never had to issue a permanent, temporary or interim suspension in the past, USA Baseball's Bylaws amended in 2017 did include language specifically stating that USA Baseball would issue interim suspensions in its discretion and under appropriate circumstances.*

11. Does your NGB require and perform background checks or other vetting of its athletes or affiliates?

**Response:**

*In response to Question No. 11, USA Baseball responds that yes, it performs background checks of affiliates, coaches, trainers, chaperones and others that USA Baseball engages and who will be in contact with youth athletes in connection with any USA Baseball activities or events.. USA Baseball does not currently perform background checks on athletes.*

- a. If so, please provide all policies and procedures produced or used by your NGB related to background checks or other vetting of its athletes or affiliates as well as a description of any changes made to those policies and procedures from 2005 to present.

**Response:**

*In response to Question No. 11 a., USA Baseball responds that attached at Bates Stamp Nos. USABASEBALL-00770 – USABASEBALL-00782 are copies of USA Baseball's policies and procedures used by USA Baseball relative to background checks. In terms of changes to these policies and procedures from 2005 to the present, USA Baseball responds that its background check procedures have continued to evolve over time, both with respect to the broader use of background checks with a broader population of relevant individuals and with respect to the type of background check utilized by USA Baseball. USA Baseball's current policy is to conduct a background check on all affiliates engaged by USA Baseball who interact with youth athletes.*

- b. If so, please describe the results of a background check or other vetting that would disqualify an individual from participating or otherwise being involved with your organization.







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**Response:**

*In response to Question No. 11. b., USA Baseball responds that the following events revealed in a background check would disqualify an individual from participating or otherwise being involved with USA Baseball:*

1. *Any felony (any crime punishable by confinement greater than one year)*
  - a. *Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty, pled nolo contendere or which is pending a disposition. If pled down, then the crime for which the defendant ultimately was convicted.*
  - b. *Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction.*
2. *Any lesser crime involving force or threat of force against a person.*
3. *Any lesser crime of a sexual nature or classified as a sex offense including but not limited to "victimless" crimes of a sexual nature such as prostitution, pornography, indecent exposure; and crimes in which sexual relations is an element.*
4. *Any lesser crime involving controlled substances (not paraphernalia or alcohol).*
5. *Any lesser crime involving cruelty to animals.*
6. *Any sex offender registrant.*
7. *Any lesser crime involving harm to a minor.*

12. Copies of any independent audits, reviews, or investigations that have been conducted of your NGB or on its behalf regarding sexual abuse or related policies and procedures from 2005 to present, including but not limited to the 2017 SafeSport audit.

**Response:**

*In response to Question No. 12, USA Baseball responds that USA Baseball has not been independently audited, reviewed or investigated regarding sexual abuse or related policies and procedures from 2005 to present, other than the 2017 SafeSport audit. A copy of the Baker Tilly SafeSport Audit is included at Bates Stamp Nos. USABASEBALL-00783 – USABASEBALL-00786 provided with this Response.*



13. For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.

**Response:**

*In response to Question No. 13, USA Baseball responds that USA Baseball has no agreements, settlements, non-disclosure agreements or other forms of resolution regarding sexual abuse.*

14. A detailed itemization of your NGB's annual budget.

**Response:**

*In response to Question No. 14, USA Baseball responds that it has attached its annual budgets for fiscal years 2005 – 2016 at Bates Stamp Nos. USABASEBALL-00787 provided with this Response.*

15. Please provide the amount of funding that your NGB receives annually from the USOC and the percentage of your NGB's total funding that comes from the USOC.

**Response:**

*In response to Question No. 15, USA Baseball responds that USA Baseball receives no annual funding from the USOC. When applicable, certain USA Baseball athletes are eligible for Operation Gold awards, but those transactions are between the USOC and the athlete directly, and do not involve any transfer of funds or monies from the USOC to USA Baseball.*

- a. Has the USOC ever suspended, decertified, or pulled funding from your NGB or threatened to suspend, decertify, or pull funding from your NGB? If so, explain the circumstances of such action, and provide the year such action occurred and the outcome.

**Response:**

*In response to Question No. 15 a., USA Baseball responds that the USOC has never suspended, decertified or pulled funding from USA Baseball, nor has it ever threatened to suspend, decertify or pull funding from USA Baseball.*



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Sincerely,

A handwritten signature in black ink, appearing to read "Paul Seiler".

Paul Seiler  
Executive Director/CEO  
USA BASEBALL





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### **CERTIFICATION**

I, Paul V. Seiler, as Executive Director and CEO for United States Baseball Federation, dba USA Baseball, hereby certify as follows:

- (1) A diligent search has been completed of all documents in USA Baseball's possession, custody, or control which reasonably could contain responsive documents;
- (2) Documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and
- (3) All documents identified during the search that are responsive have been produced to the Committee, and if withheld or not provided, identified in a log provided to the Committee, as described in (17) above, or identified as provided in (10), (11) or (12) above. To the best of its knowledge, USA Baseball has not withheld or not provided responsive documents in its possession.

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Paul V. Seiler  
Executive Director/CEO  
USA BASEBALL

